

SENATE BILL No. 308

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-21-8.

Synopsis: Safe distance when overtaking a bicycle. Requires a person driving a vehicle overtaking a bicycle to maintain a distance of at least three feet between the vehicle and the bicycle when passing on the right or the left. Makes conforming amendments.

Effective: July 1, 2008.

Waltz

January 10, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Introduced

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 308

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-21-8-5 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2008]: Sec. 5. The following rules govern the
3 overtaking and passing of vehicles **and bicycles** proceeding in the
4 same direction, subject to the limitations, exceptions, and special rules
5 stated:

6 (1) A person who drives a vehicle overtaking another vehicle **or**
7 **bicycle** proceeding in the same direction shall pass to the left of
8 the other vehicle **or bicycle** at a safe distance and may not again
9 drive to the right side of the roadway until safely clear of the
10 overtaken vehicle **or bicycle**. **For purposes of a vehicle**
11 **overtaking a bicycle, a safe distance is a distance of at least**
12 **three (3) feet.**

13 (2) Except when overtaking and passing on the right is permitted,
14 a person who drives **or operates** an overtaken vehicle **or bicycle**
15 shall give way to the right in favor of the overtaking vehicle on
16 audible signal and may not increase the speed of the overtaken
17 vehicle **or bicycle** until completely passed by the overtaking



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vehicle.

SECTION 2. IC 9-21-8-6 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2008]: Sec. 6. (a) A person who drives a vehicle
may overtake and pass upon the right of another vehicle **or a bicycle**
only under the following conditions:

(1) When the vehicle **or bicycle** overtaken is making or about to
make a left turn.

(2) Upon a roadway with unobstructed pavement of sufficient
width for two (2) or more lanes of vehicles moving lawfully in the
direction being traveled by the overtaking vehicle.

(b) A person who drives a vehicle may overtake and pass another
vehicle **or a bicycle** upon the right only under conditions that permit
overtaking upon the right in safety. Overtaking upon the right may not
be made by driving off the roadway.

**(c) A person who overtakes a bicycle under subsection (b) shall
maintain a safe distance of at least three (3) feet between the
overtaking vehicle and the overtaken bicycle until the overtaking
vehicle is safely clear of the overtaken bicycle.**

SECTION 3. IC 9-21-8-55, AS AMENDED BY P.L.40-2007,
SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2008]: Sec. 55. (a) This section does not apply to a law
enforcement official engaged in the law enforcement official's official
duties.

(b) For purposes of this section, a person engages in aggressive
driving if, during one (1) episode of continuous driving of a vehicle, the
person does or commits at least three (3) of the following:

(1) Following a vehicle too closely in violation of IC 9-21-8-14.

(2) Unsafe operation of a vehicle in violation of IC 9-21-8-24.

(3) Overtaking another vehicle **or a bicycle** on the right by
driving off the roadway in violation of IC 9-21-8-6.

(4) Unsafe stopping or slowing a vehicle in violation of
IC 9-21-8-26.

(5) Unnecessary sounding of the horn in violation of IC 9-19-5-2.

(6) Failure to yield in violation of IC 9-21-8-29 through
IC 9-21-8-34.

(7) Failure to obey a traffic control device in violation of
IC 9-21-8-41.

(8) Driving at an unsafe speed in violation of IC 9-21-5.

(9) Repeatedly flashing the vehicle's headlights.

(c) A person who, with the intent to harass or intimidate a person in
another vehicle, knowingly or intentionally engages in aggressive
driving commits aggressive driving, a Class A misdemeanor, except as

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1 provided in IC 9-21-8-56(d), (f), (g), and (h).

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